



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

December 11, 2020

**BY EMAIL and ECF**

The Honorable Richard J. Sullivan  
United States Circuit Judge  
United States District Court  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

Re: *United States v. Vilar and Tanaka*  
Case No. 05-CR-621 (RJS)

Dear Judge Sullivan:

The Government respectfully submits this letter pursuant to the Court's Order dated October 6, 2020 (Dkt. No. 910) directing the Government to provide by December 11, 2020 an update on the status of its discussions with the trustees (the "Trustees") of the Amerindo Advisors (UK) Limited Retirement Benefits Scheme (the "Benefits Scheme") and James Stableford regarding potential settlement of their respective claims to the assets held in the Benefits Scheme account at JPMorgan (the "Benefits Scheme Account"), which are currently subject to forfeiture pursuant to the Second Preliminary Order of Forfeiture as to Substitute Assets entered by the Court on December 9, 2019 (Dkt. No. 848).

The Government understands that the Trustees have completed their analysis of the current state of the Benefits Scheme, including their assessment of the tax implications of a forfeiture or distribution of the assets. The Government has conferred regarding the prospects of settlement with counsel for the Trustees, with the administrator for the Benefits Scheme, Mr. Huw Davies, and with counsel for Mr. Stableford, most recently over the last two days. While these discussions have been productive, the parties have not yet been able to determine if a settlement of this matter is possible at this time. The Government and counsel for the Trustees believe that further discussions should clarify that question in the very near future, though the parties may need a longer period to reach a full agreement in principle if a settlement is viable. Alternatively, if no settlement at this time is possible, the Government would need a reasonable period, taking into account the upcoming holidays, to confer with all current parties to the ancillary proceeding regarding a proposal for moving the case forward to resolution.

Accordingly, the Government would respectfully propose that the Government report to the Court by January 15, 2020 on the results of settlement discussions with the Trustees

and Mr. Stableford, and if those discussions have failed, on a proposed schedule for the full litigation of the pending Petitions. To the extent such a schedule is not agreed to by all parties, the Government would also plan to report any alternative schedules requested by other parties.

Respectfully submitted,

AUDREY STRAUSS  
Acting United States Attorney


by: /s/  
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cc: All counsel of record (by ECF)  
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IT IS HEREBY ORDERED THAT that the Government shall report to the Court by January 15, 2020 on the results of settlement discussions with the Trustees and James Stableford, and if those discussions have failed, on a proposed schedule for the full litigation of the pending Petitions.

SO ORDERED.

Dated: December 11, 2020  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation